

JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER
Executive Director

JERRY D. OLDS
State Engineer/Division Director

~~30 January~~ 2006

06 Feb

KAL

HAYWARD M. & EDITH Y. MARSHALL
KENT G. & MARY FAYE MARSHALL
PO BOX 6
MINERSVILLE UT 84752

RE: **ORDER TO CEASE & DESIST / SEAA 1054**
WATER RIGHTS: 71-4185 THROUGH 71-4190, 71-4227

Water Users:

On 08 October 1996, the Division of Water Rights ("the State Engineer") initiated the referenced agency action and sent you an Order of the State Engineer. On 31 December 2003, the State Engineer issued a Notice of Agency Action alleging that you were irrigating lands in excess of that allowed under the subject water rights.

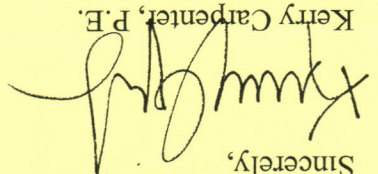
Pursuant to a failure to achieve full compliance with the 2003 notice, the State Engineer issued an Order to Cease & Desist on 11 January 2005 in which it was required that you either reduce your irrigated acreage or acquire sufficient rights for the acreage being irrigated.

It has subsequently been reported to the State Engineer and verified by the Regional Engineer that for the 2005 irrigation season there was sufficient water available under your shares in Rocky Ford Irrigation Co. to allow irrigation of the acreage in excess of that provided by the referenced rights. It is reported that you have also understood that in any future year in which there is insufficient Rocky Ford water, you must take measures to limit the acreage irrigated under the referenced rights to no more than 220.90 acres.

Therefore, the subject agency action can be formally concluded. Your efforts to comply with the order are commended and appreciated.

Please be aware that maintenance of the necessary arrangements to provide sufficient rights for this acreage remains your responsibility. You should consult regularly with Distribution Commissioner LaVar Davis or with Southwestern Region Office of the Division of Water Rights in Cedar City to assure continued proper maintenance of the required arrangements.

Sincerely,



Kerry Carpenter, P.E.
Enforcement Engineer

pc: G. Kurt Vest, P.E. / Southwestern Regional Engineer
LaVar Davis / Distribution Commissioner / PO Box 483 / MILFORD UT 84751
File: SEAA 1054

Encl: None